

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSE A. MENA,

Plaintiff,

v.

Case No.: 2:19-cv-647-FtM-38MRM

CITIBANK, N.A.,

Defendant.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R"). ([Doc. 27](#)). Judge McCoy recommends granting the motion to compel arbitration and staying the case. Neither party objected, and the matter is ripe.

A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir. 1982). Without a specific objection, the judge need not review factual findings de novo. 28 U.S.C. § 636(b)(1); *see also Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). But the district court reviews legal conclusions de novo, even without an objection. *Cooper-Houston v. S. Ry.*, 37 F.3d 603, 604 (11th Cir. 1994).

After a careful, complete, and independent examination of the file, the Court accepts and adopts Judge McCoy's R&R in full.

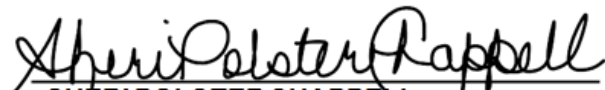
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Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 27](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Defendant's Motion to Compel Arbitration ([Doc. 20](#)) is **GRANTED**.
3. The parties are **DIRECTED** to arbitrate this case promptly.
4. This case is **STAYED** until the parties advise the Court that (1) arbitration has been completed and (2) the stay should be lifted or the case should be dismissed. The parties are **DIRECTED** to notify the Court of such matters **within seven (7) days** of the arbitration concluding.
5. The parties are **DIRECTED** to file a joint report on the status of arbitration **on or before May 30, 2020**, and **every ninety (90) days** after that date until arbitration concludes.
6. The Clerk is **DIRECTED** to add a stay flag on the docket.

DONE and **ORDERED** in Fort Myers, Florida this 2nd day of March, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record